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HUMAN RIGHTS COMMITTEE
Seventieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Denmark

1. The Committee considered the fourth periodic report of Denmark (CCPR/C/DNK/99/4) at its 1876th and 1877th meetings (CCPR/C/SR.1876 and 1877) held on 20 October 2000, and adopted the following concluding observations at its 1888th meeting (CCPR/C/SR.1888), held on 30 October 2000.

A. Introduction

2. The Committee welcomes the timely submission of the State party's fourth periodic report and its detailed information on laws, practices and measures taken relating to the implementation of the Covenant. The Committee commends the State party for the thoroughness of the report, for following the Committee's guidelines on reporting and for addressing the Committee's concerns expressed in the previous concluding observations (CCPR/C/79/Add.68).

B. Positive aspects

3. The Committee commends Denmark for maintaining a h:gh level of respect for human rights generally and for its obligations under the Covenant.

4. The Committee welcomes Denmark's efforts to educate its population, and in particular to train the police, in human rights. The Committee appreciates that following its third periodic report, Denmark changed the rules and practices on the use of police dogs in crowd control. The Committee notes with appreciation Denmark's new rules on examination of complaints concerning the police, and will welcome information on the results of the new procedures in Denmark's next periodic report (art. 9).

5. The Committee notes the high level of respect for gender equality in Denmark and the measures taken to achieve full equality where this has not been achieved (art. 3).

6. The Committee commends Denmark for developments in the provision of legal training in Greenland, the promotion of Greenland's financial independence and the support for Greenland Houses in Denmark. The Committee will welcome further information in these respects in Denmark's fifth periodic report. The Committee also welcomes Denmark's initiative in translating the Covenant into Greenlandic (art. 27).

7. The Committee welcomes the amendment to the Danish Criminal Code to prohibit advocacy of national or racial hatred (art. 20).

C. Principal subjects of concern and recommendations

8. The Committee is concerned about the full protection in Denmark of individual rights under the Covenant. The Committee notes that Denmark has set up a body to consider the incorporation into domestic law of several human rights treaties, including the Covenant (CCPR/C/79/Add.68, para.11).

The State party should take any steps necessary to ensure that all rights under the Covenant secure full protection in Danish law. It should inform the Committee about the measures taken and the success of such measures.

9. The Committee continues to be disappointed that Denmark has not decided to withdraw any of the reservations entered upon its ratification of the Covenant.

Denmark should continue to consider withdrawing some or all of its reservations to the Covenant (CCPR/C/79/Add. 68, para. 12).

10. The Committee regrets the delay in resolving the claim for compensation by the members of the Thule community in Greenland in respect of their displacement from their lands and the loss of traditional hunting rights on account of the construction of the military base at Thule (CCPR/C/79/Add.68, para.15). The Committee is concerned over reports that the alleged victims in the Thule case were induced to reduce the amount of their claim in order to meet the limitations set in legal-aid requirements; the Committee wishes to be informed on this matter.

The Committee notes the Danish delegation's undertaking to provide information on the outcome of the Thule case (arts. 2 and 27).

11. The Committee is concerned that it has not received further information on the implementation of the Covenant in the Faeroe Islands (CCPR/C/79/Add.68, para.16).

The State party should include such information in its next report. It should also inform the Committee concerning the implementation of the right of self-determination for the population of the Faeroe Islands (art. 1).

12. The Committee is particularly concerned about the wide use of solitary confinement for incarcerated persons following conviction, and especially for those detained prior to trial and conviction. The Committee is of the view that solitary confinement is a harsh penalty with serious psychological consequences and is justifiable only in case of urgent need; the use of solitary confinement other than in exceptional circumstances and for limited periods is inconsistent with article 10, paragraph 1, of the Covenant.

Denmark should reconsider the practice of solitary confinement and ensure that it is used only in cases of urgent necessity.

13. The Committee is concerned that persons whose rights under the Covenant are violated have an effective remedy in all cases.

Denmark should ensure, in particular, that in order to secure the victim's right to a remedy, the Covenant may be invoked before Danish authorities and courts (art. 2).

14. Issues of equality and non-discrimination (arts. 3 and 26):

(a) The Committee expresses concern that despite continuing efforts by the State party, as noted in paragraph 5 above, there remain areas of discrimination against women, notably in respect of employment in the public and private sectors and in applications for asylum.

Denmark should provide information on measures taken to address these matters in its next report.

(b) The Committee is concerned about reports of discrimination against ethnic minorities.

Denmark should ensure equality of treatment for ethnic minorities. In particular, in view of information that there continue to be occurrences of racial discrimination, for instance in restaurants and nightclubs, the Committee recommends that measures be taken to prevent such discrimination. It requests further information on these matters.

(c) Denmark should provide additional information with respect to equality between National Church members and members of other religions, and between members of religions and non-believers, in respect of financial subventions, educational costs and special taxes.

15. The Committee notes that, under the Aliens Act, article 40c, the Immigration Authorities may require DNA testing of an applicant and the persons with whom the applicant claims family ties on which a residence permit is to be based.

DNA testing may have important implications for the right of privacy under article 17 of the Covenant. Denmark should ensure that such testing is used only when necessary and appropriate to the determination of the family tie on which a residence permit is based (art. 23).

16. The Committee notes that asylum-seekers in Denmark are often restricted or discouraged from choosing a residence in specific municipalities or from moving from one municipality to another.

Denmark should ensure that any such measures are applied in strict compliance with article 12 of the Covenant.

17. The Committee notes that asylum-seekers are entitled to have the assistance of legal counsel. The State party should provide information as to the stages of the application procedures at which legal assistance may be had, and whether the assistance is free of charge at all stages for those who cannot afford it (art. 13).

D. Dissemination of information about the Covenant

18. Denmark's fifth periodic report should be submitted by 31 October 2005. That report should be prepared in accordance with the revised guidelines adopted by the Committee (CCPR/C/66/GUI/Rev.1) and should give particular attention to the issues raised in these concluding observations. These concluding observations and the next periodic report should be widely disseminated in Denmark.